

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VERNON WAYNE MCNEAL,

Plaintiff,

No. CIV S-05-0441 GEB EFB P

vs.

EVERT, et al.,

Defendants.

ORDER

Plaintiff is a prisoner proceeding *in forma pauperis* and without counsel in a civil rights action.

The United States Marshal has returned process directed to defendant Evert unserved because there is no employee by that name at High Desert State Prison. Plaintiff must provide new information about where this defendant may be served with process. Plaintiff may seek such information through discovery, the California Public Records Act, California Government Code §§ 6250, *et seq.*, or any other means available but must proceed with haste because Fed. R. Civ. P. 4(m) requires an action be dismissed as to a defendant not served within 120 days after filing the complaint unless the time is enlarged based upon a demonstration of good cause. If plaintiff's access to the required information is denied or unreasonably delayed, plaintiff may seek judicial intervention.

Accordingly, it is ORDERED that:

1. The Clerk of the Court shall mail plaintiff 1 form USM-285 and a copy of the amended complaint filed May 9, 2005.

2. Within 90 days from the date this order is served, plaintiff may submit the attached Notice of Submission of Documents with a completed form USM-285 providing instructions for service of process upon defendant Evert and 2 copies of the pleading provided to plaintiff.

3. Failure to provide new instructions for service of process upon defendant Evert within the time allowed or show good cause for such failure will result in a recommendation that this action be dismissed as to that defendant.

Dated: May 21, 2007.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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NOTICE OF SUBMISSION

OF DOCUMENTS

Plaintiff hereby submits the following documents in compliance with the court's
order filed _____.

One completed summons

_____ completed USM-285 forms

_____ copies of the _____
Complaint/Amended Complaint

DATED:

Plaintiff

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